

BILL NO. 24-2007

AN ORDINANCE

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF
READING BY ADDING A NEW PART 11 TO THE ADMINISTRATIVE CODE -
INITIATIVE AND REFERENDUM

THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Amending the Codified Ordinances by adding a new Part 11 to the Administrative Code - Initiative and Referendum, as attached in Exhibit A.

SECTION 2. This ordinance shall be effective ten (10) days after its adoption and approval by the Mayor, or repassage by City Council over the Mayor's veto, in accordance with Section 219 of the City of Reading Home Rule Charter, or as set forth in Section 221 of the City of Reading Home Rule Charter.

Enacted May 14th 2007

[Signature]
President of Council

Attest:

[Signature]
DEPUTY City Clerk

(Council Staff)

Submitted to Mayor: C/g

Date: 05/15/07

Received by the Mayor's Office: mx

Date: 5/15/07

Approved by Mayor: [Signature]

Date: 5/15/07

Vetoed by Mayor: _____

Date: _____

I, LINDA A. KELLEHER, City Clerk of the City of Reading, Pa., do hereby certify, that the foregoing is a true and correct copy of the original Ordinance passed by the Council of the City of Reading, on the 14th day of May, A. D. 2007. Witness my hand and seal of the said City this 15th day of May, A. D. 2007.

[Signature]
CITY CLERK

(Exhibit A)

§1-1100 Declaration of Purpose:

The City of Reading City Council recognizes the importance of protecting and promoting the ability of our citizens to participate in government through Initiative and Referendum. Since the change to Home Rule government there have been approximately 10 citizen petitions efforts. The lack of clear instruction on the circulation and signature verification of initiative and referendum petitions in the Charter has caused many procedural problems, resulting in court challenges and legal fees to both the City and citizen groups. Therefore, through the enactment of this ordinance, City Council sets out regulations pertaining to the circulation and signing of initiative and referendum petitions to assist Reading voters with their rights to participation provided by the Home Rule Charter.

§1-1101 Definitions

Affidavit – a written declaration or statement of facts, made voluntarily taken and signed before a notary public

Petition - an initiative or referendum petition for ordering a measure to be submitted to City Council and/or the voters

Petitioners Committee – a group of 5 registered voters responsible for circulating and filing the petition with the City Clerk's Office in proper form.

Petition Blanks – forms prepared by the City Clerk's Office containing a petition with a serial number, a Circulators Affidavit, and the full copy of the ordinance proposed for enactment or repeal

Regular election – a primary or general election conducted by the Berks County Department of Elections

§1-1102. Initiative and Referendum.

A. Initiative. The qualified voters of the City shall have the power to propose ordinances to the Council. If the Council fails to adopt such an ordinance, the initiative process may be commenced giving the qualified voters of the City the opportunity to adopt or reject said ordinance at a City election. (*Charter, 11/3/1993, §1102*)

B. Referendum. The qualified voters of the City shall have the power to require reconsideration by the Council of any adopted ordinance. If the Council fails to repeal an ordinance so reconsidered, the referendum process may be commenced giving the qualified voters of the City the opportunity to approve or reject said ordinance at a City election. (*Charter*, 11/3/1993, §1102)

§1-1103. Initiative and Referendum; Commencement of Proceedings; Petitioners Committee; Affidavit.

A. Any five qualified voters of the City may commence initiative or referendum. A qualified voter is a legal resident of the City of Reading who is registered and constitutionally entitled to vote in Pennsylvania.

B. A qualified voter shall obtain a Petitioner's Committee Affidavit and Petition Forms from the City Clerk in the Council Office during regular business hours.

C. The Petitioner's Committee Affidavit shall state the names and addresses of 5 qualified voters who will constitute the Petitioner's Committee and be responsible for circulating the petition and filing it in proper form, and specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance or the ordinance sought to be reconsidered.

D. In case of referendum, such an Petitioner's Committee Affidavit must be filed within 10 days of the adoption of the ordinance

E. Within 5 days after the Petitioner's Committee Affidavit is filed and validated, the City Clerk shall issue the appropriate petition blanks to the petitioners. (*Charter*, 11/3/1993, §1103)

§1-1104. Form and Content

The form and content of each petition pack shall be prepared as follows:

1. Each petition shall be uniform in size and style on 8 ½ x 11 paper, marked sequentially and/or contain a serial number.
2. Each petition pack shall contain a one petition.
3. Have an Affidavit of Circulator, as defined in Section 1-1105 below.
4. Contain complete text of the initiative ordinance being considered or the ordinance to be considered for repeal by referendum, as stated in Section 1-1106

or 1-1107 below.

5. Contain no more than 20 signature lines for the printed name, address, ward, precinct, signature of each person signing the petition, and the date signed.
6. Contain a Warning Statement advising that it is unlawful for anyone to sign any initiative or referendum petition with any name other than his/her own, or to knowingly sign his/her name more than once for the same proposal, or to sign such petition when he/she is not a legal voter in the City of Reading.
7. No corrections, additions or alterations shall be made to the form of all petitions issued by the City Clerk to the Petitioner's Committee.

Any petition not following the form and content set out above shall be declared invalid.

§1-1105. Affidavit of Circulator. Each paper of a petition shall have attached to it upon filing a notarized affidavit executed by the circulator thereof stating that he or she personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in the circulator's presence, and believes them to be valid and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered. (*Charter, 11/3/1993, §1102*)

§1-1106. Initiative Petitions. All Initiative Petitions shall contain an initiative statement, describing the intent of the ordinance not exceeding 100 words, phrased in the form of a question that can be answered only with an affirmative or negative response. The initiative statement may be distinct from the petitioner's title of the measure, and shall express and give a true and impartial statement of the purpose of the measure. It shall not intentionally be an argument, nor likely to create prejudice, either for or against the measure. This statement shall be delivered to the City Clerk at the time the request for the Petitioner's Committee Petition form is requested. Each petition shall also have attached to it the full body of the initiative ordinance.

§1-1107. Referendum Petitions. All Referendum Petitions shall contain the title of the bill enacted by City Council as well as the bill number and date of enactment of the bill sought to be repealed. Each petition shall also have attached to it the full body of the bill sought to be repealed.

§1-1108. Signatures. Initiative and referendum petitions must be signed in ink or indelible pencil by 2000 qualified voters of the City of Reading.

§1-1109. Circulation of Petitions. The Petitioner's Committee shall be responsible for

instructing circulators on the regulations and guidelines for circulating petitions, as contained herein.

A. All circulators must reside in the City of Reading and be registered to vote as defined in §1-1103 A above.

B. Each person collecting signatures must allow any person to review the text of the initiative ordinance or ordinance to be reconsidered.

C. Each signature collected must be personally witnessed by the circulator.

D. The circulator must complete the Affidavit of Circulator before a Notary Public after all the signatures on the sheet have been collected.

E. Circulators must not attempt to obtain signatures of persons knowing that the person signing the petition is not qualified to sign it.

F. Circulators must not offer money or any thing of value to another person or threaten a person to sign or not to sign a petition, nor shall they sell or offer to sell signature sheets.

G. Circulators must not accept compensation to circulate a petition that is based on the number of signatures obtained.

H. Any person violating the circulator regulations shall be charged in accordance with the applicable offense sections of the Elections Code 25 P.S. §2601 et seq.

§1-1110. Time for Circulating and Filing Referendum Petitions. Referendum petitions must be circulated and filed within 35 days after the filing of the Petitioner's Committee Affidavit. The City Clerk shall only accept petitions filed by the Petitioner's Committee. The City Clerk shall not accept any petitions submitted by any other circulators, representatives or agents thereof.

§1-1111. Time for Circulation and Filing Initiative Petitions. Initiative petitions must be circulated and signed within a period of 65 days from the date of the filing of the Petitioners Committee Affidavit with the City Clerk. The City Clerk shall only accept petitions filed by the Petitioner's Committee. The City Clerk shall not accept any

petitions submitted by any other circulators, representatives or agents thereof.

§1-1112. Referendum Petitions; Suspension of Effect of Ordinance.

When a referendum petition is filed with the City Clerk, the ordinance sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate when:

- A. There is a final determination of insufficiency of the petition; or
- B. The Petitioner's Committee withdraws the petition; or
- C. Council repeals the ordinance; or
- D. Thirty-five days have elapsed since the issue of the affidavit and the required number of signatures has not been secured. (*Charter, 11/3/1993, §1106*)

§1-1113. Submission of Petitions

Before submitting the signature sheets for verification, the Petitioner's Committee must stack petition packs beginning with the number 1 and continue sequentially until all sheets petitions issued are accounted for. The petitions submitted must contain at least 2000 original signatures. The Petitioner's Committee must also include a letter stating how many signatures they purport to have. The City Clerk shall advise the Petitioner's Committee of their ability to obtain the necessary number of signatures or make other corrections in accordance with Section 1-1113 of this part herein.

§1-1114. Initiative and Referendum; Procedure after Filing.

A. Sufficiency of Petitions – Determination

No petition for referendum shall be filed with the City Clerk unless it contains the required number of signatures. Upon filing of a petition for initiative or referendum with the City Clerk, the City Clerk shall make an initial face value determination of sufficiency and report the results thereof to the City Council within two (2) days of the date of such filing. The City Clerk may make its determination of sufficiency of the petitions and the signatures contained thereon as stated hereafter and in Section 1-1115 below.

- B. After completing the initial face value determination, the City Clerk may complete a verification process to find whether signatures of individuals on the petitions are

insufficient in the following categories:

1. Address shown by signer is not located within the city limits of the City of Reading;
2. Any signature appearing on the petition more than once, in which event all signatures of said individual shall be deleted except one;
3. More than one individual signature is on a signature line, in which event the line shall count as one;
4. Signature lines containing incomplete information or information which was not completed by the elector or a person qualified to assist the elector shall not be counted;
5. Signature and information that does not match the Berks County Voter Registration Records;
6. Signatures of individuals who are not registered electors in the city.
7. Each petition pack shall only contain one petition; multiple petitions may not be attached to a single ordinance and circulators affidavit.

C. The petition may not be removed and no signature may be removed or deleted by a signer, circulator, or representative of a circulator or signer after the petitions have been filed with the City Clerk. Copies of the petitions submitted will not be provided to the Petitioner's Committee by the City.

§1-1115. Certificate of Clerk; Amendment. Within 20 days after the petition is filed, the City Clerk shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars wherein it is defective and shall promptly send a copy of the certificate to the Petitioner's Committee by registered mail.

A petition certified insufficient for lack of the required number of valid signatures may be amended once if the Petitioner's Committee files a notice of intention to amend it with the City Clerk within 2 days after receiving the copy of the certificate and files a supplementary petition upon additional papers to be supplied by the City Clerk within 10 days after receiving the copy of such certificate.

Such supplementary petition shall comply with the requirements of this Chapter and within 5 days after it is filed, the City Clerk shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of such certificate to the Petitioner's Committee by registered mail as in the case of an original petition.

If a petition or amended petition is certified insufficient and the Petitioner's Committee does not elect to amend or request Council review under Section 1-1114 within the time required, the City Clerk shall promptly present their certificate to the Council and the certificate shall then be a final determination as to the sufficiency of the petition. (*Charter*, 11/3/1993, §1102)

§1-1116 Council Review. If a petition has been certified insufficient and the Petitioner's Committee does not file notice of intention to amend it, or if an amended petition has been certified insufficient, the committee may, within 2 days after receiving the copy of such certificate, file a request that it be reviewed by the Council. The Council shall review the certificate at its next meeting following the filing of such request and approve or disapprove it, and the Council's determination shall then be a final determination as to the sufficiency of the petition. (*Charter*, 11/3/1993, §1102)

§1-1117. Court Review; New Petition. A final determination as to the insufficiency of a petition shall be subject to court review. A final determination of insufficiency, even if sustained upon court review, shall not prejudice the filing of a new petition for the same purpose. (*Charter*, 11/3/1993, §1105)

§1-1118. Initiative and Referendum; Action on Petitions.

A. Action by Council. When an initiative or referendum petition has been finally determined sufficient, the Council shall promptly consider the proposed initiative ordinance in the manner provided in Article II of the Charter or reconsider the referred ordinance by voting its repeal. If the Council fails to adopt a proposed initiative ordinance without any change in substance within 60 days or fails to repeal the referred ordinance within 30 days after the date the petition was finally determined sufficient, it shall submit the proposed or referred ordinance to the voters of the City. (*Charter*, 11/3/1993, §1102)

B. Submission to Voters. The question shall be placed on the ballot at the next primary, municipal or general election occurring at least 35 days after final Council action. Copies of the proposed and referred ordinance shall be made available at the voting precincts. (*Charter*, 11/3/1993, §1102)

C. Withdrawal of Petitions. An initiative or referendum petition may be withdrawn at any time prior to the 45th day preceding the day scheduled for a vote of the City by

filing with the City Clerk a request for withdrawal signed by at least four members of the Petitioner's Committee. Upon the filing of such request, the petition shall have no further force of effect and all proceedings thereon shall be terminated. (*Charter*, 11/3/1993, §1107)

§1-1119. Initiative and Referendum; Results of Election.

A. Initiative. If a majority of the qualified voters voting on a proposed initiative vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the Council. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

B. Referendum. If a majority of the qualified voters voting on a referred ordinance vote against it, it shall be considered repealed upon certification of the election. (*Charter*, 11/3/1993, §1108)

§1-1120. Initiative and Referendum; Limitations.

A. Default of Initiative and Referendum. Any ordinance proposed or sought to be reconsidered which is rejected by the qualified voters in an election cannot be resubmitted for initiative and referendum for a period of 2 years from the date of the election where the ordinance was defeated. (*Charter*, 11/3/1993, §1102)

B. Repeal or Modification of Initiative and Referendum by Council. The Council shall take no action to repeal or significantly modify an ordinance adopted by initiative and referendum within a period of 2 years from the date of the election at which the ordinance was approved. (*Charter*, 11/3/1993, §1102)

C. Limit on the Number of Initiative and Referendum. No more than two initiative and two referendum measures may be placed on the ballot at any primary, municipal or general election. The first two initiative and referendum measures which are filed with the City Clerk will be the only ones allowed on the ballot. (*Charter*, 11/3/1993, §1109)